



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

04

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,851	02/22/2002	Robert J. Thomas	8156-179	2100

7590 10/03/2003

Woodard, Emhardt, Naughton, Moriarty and McNett
Bank One Center/Tower
Suite 3700
111 Monument Circle
Indianapolis, IN 46204-5137

EXAMINER

MOHANDESI, IRAJ A

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,851

Applicant(s)

THOMAS ET AL.

Examiner

Iraj A Mohandesl

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-32 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1-8, 17-24 and 28-32 is/are rejected.
- 7) ☐ Claim(s) 9, 10, 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. **Claims 1-8,17,18,20-24,28-32** are rejected under 35 U.S.C. 102(a) as being anticipated by **Scott US Patent 6,414'400**.

Scott'400 discloses a method for regulating an engine (102), comprising: providing an engine (102) including one or more combustion chambers and a source of gaseous fuel mixing gaseous fuel and air upstream of the one or more combustion chambers to provide a mixture of air and fuel to the engine for combustion (128 column 3,,line 64) driving an electric power generator (104, column 2 line 46,) with the engine, the generator being operable to provide AC electric power (alternator 104) and adjusting a ratio between air and fuel in the mixture (see column 5,line 44, 128 throttle controls the gas mixture to regulate the engine speed " frequency of the AC electric power provided by the generator") inherently a fuel line to supply fuel to the engine, a throttle (128) configured to regulate flow of the mixture, includes changing ignition timing (116 ,column 4,line 5) for the one or more combustion chambers to maintain a desired rotational engine speed, a controller (100 column 5,line 32) responsive to the first signal to generate a valve control signal to regulate engine speed relative to a desired rotational engine speed; a controllable valve responsive to said

valve control signal to adjust a ratio of a mixture of fuel and air provided to said engine for combustion.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Scott'400** in view of ordinary skill in the art.

Scott'400 discloses a method for regulating an engine (102), comprising: providing an engine (102) including one or more combustion chambers and a source of gaseous fuel mixing gaseous fuel and air upstream of the one or more combustion chambers to provide a mixture of air and fuel to the engine for combustion (128 column 3,,line 64) driving an electric power generator (104, column 2 line 46,) with the engine, the generator being operable to provide AC electric power (alternator 104) and adjusting a ratio between air and fuel in the mixture (see column 5,line 44, 128 throttle controls the gas mixture to regulate the engine speed " frequency of the AC electric power provided by the generator") inherently a fuel line to supply fuel to the engine, a throttle (128) configured to regulate flow of the mixture, includes changing ignition timing (116 ,column 4,line 5) for the one or more combustion chambers to maintain a desired rotational engine speed, a controller (100 column 5,line 32)

responsive to the first signal to generate a valve control signal to regulate engine speed relative to a desired rotational engine speed; a controllable valve responsive to said valve control signal to adjust a ratio of a mixture of fuel and air provided to said engine for combustion.

Scott'400 teaches all limitation of the claimed invention except the ignition responses to an engine load loss of 30%.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the ignition response to an engine load loss of 30%, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art .IN re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA).

Allowable Subject Matter

5. **Claim 11** has been amended and **claim 16** has been canceled

Claim 11-15 are allowed .

6. The following is an examiner's statement of reasons for allowance:

The prior art of the record in particular **Scott'400** does teach the claimed supporting structure ,inter alias, an intake manifold with a second sensor to sense manifold pressure and output a second signal corresponding to a controller responsive to the the first signal and the second signal to generate a valve control signal to regulate engine speed relative to the rotational engine speed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. **Claims 9,10,25,26 and 27** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 07/28/2003 have been fully considered but they are not persuasive.

A. **Scott'400** teaches a n internal combustion engine (column ,line 63) it is well known that any combustion engine has inherently combustion chamber as the combustion engine in **US Patent 6,414'400** disclosed by **Scott'400**.

B. The member (128 column 3,,line 64) a throttle does mix and control the mixture f the air and fuel.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandesi whose telephone number is (703)305-3242. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.
IM September 25, 2003

Thomas M. Dougherty
8